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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,935	05/19/2004	Shane A. Kretsinger	14414.03	5719

7590 10/14/2005

Sean D. Solberg, Esq.  
DORSEY & WHITNEY LLP  
Intellectual Property Department  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402-1498

EXAMINER

LAWRENCE JR, FRANK M

ART UNIT PAPER NUMBER

1724

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/848,935

Applicant(s)

KRETSINGER ET AL.

Examiner

Frank M. Lawrence

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/194,756.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The claim is not valid because the application is a PCT application filed in this country. Domestic priority may be claimed from the document under 35 U.S.C. 120, however it should not be necessary because the disclosures are the same as in the parent application, 10/194,756. *Specification*

2. The disclosure is objected to because of the following informalities: The first paragraph should be amended to include the current status of the parent application and to correct any priority claims if necessary.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Race, Jr. (2,554,879).

5. Race, Jr. '879 teaches a dehumidifying device for use in recreation rooms or closets, comprising a hollow inner permeable body (11) containing a moisture indicating absorbent such as cobalt chloride, disposed within a hollow outer permeable body (1) containing a desiccant (5) such as activated alumina. The inner body includes a removable cap (12) at one end with a

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transparent faceplate at a second end. The outer body includes a flange at one end that is wider than the diameter of the inner body, a rounded clip (3) and rivets (4) facing the opposite end for sealing the flanged end, and a wedge-shaped section above the flange (see figures, col. 1, line 1 to col. 2, line 27). The device is capable of being placed in any large enough building cavity, and the desiccant will inherently possess an extended absorption characteristic relative to the moisture indicating absorbent.

6. Claims 1-5, 9, 10, 12-22, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Heffelfinger et al. (5,987,833).

7. Heffelfinger et al. '833 teach a vacuum packaged batt for placement in building wall cavities, comprising a hollow permeable strip container (12) for insertion into any shaped wall cavity, a flange (40, 44, 45) surrounding the container that is wider than the container and can be mounted to wall studs using adhesive or nails (33), and a desiccant sprayed onto insulation material within the container or enclosed within a permeable envelope (15) within the container (see figures, col. 5, line 64 to col. 6, line 21, col. 12, lines 16-31, col. 13, lines 36-67, col. 15, lines 7-30). Multiple containers can be placed into receivers defined by adjacent wall cavities (that can be considered as wall and barrier cavities) extending over the height of the wall and defined by wall studs (34) and supported by a header (36) or footer connected to the studs and anticipating the bar of claim 18 (figure 2), and the wall cavities will be covered by a conventional wall covering (88). The ends or sides of the container can be rounded or wedge-shaped (figures 6, 7) depending on the wall cavity shape, and the embodiment of figure 5 includes a removable tape (86) at one end that anticipates the cap of instant claim 2.

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8. Claims 1, 2, 5, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Borys (4,698,891).

9. Borys '891 teaches a separator for use in an insulated sealed cavity for a building window, comprising a permeable container (10) filled with desiccant, a removable adhesive tape (27) on top of the container (figures, col. 4, lines 38-67, col. 6, lines 40-57).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose dehumidifying systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence

*Frank Lawrence*

9-23-05

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Primary Examiner  
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